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**TECHNOLOGY CENTER 3000**

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In re application of	:	
Ariel Hazi, et al	:	DECISION ON PETITION
Application No. 09/577,268	:	TO WITHDRAW THE
Filed: March 23, 2000	:	HOLDING OF ABANDONMENT
For: TIMESHARED ELECTRONIC	:	
CATALOG SYSTEM AND METHOD	:	

This is in reply to applicants' Renewed Petition to Withdraw Holding of Abandonment under 37 CFR 1.181(c) filed November 30, 2005. The petition was recently forwarded to this office for review.

The petition is **GRANTED**.

The application became abandoned for failure of applicants to timely file the fee transmittal form PTIO-85, Part B, in response to a Corrected Notice of Allowance mailed July 22, 2004, although the indicated fee due indicated is \$0.

Applicants allege that the Issue Fee was paid in full on June 25, 2004. Applicants argue that prosecution on the merits for this application was closed as of June 25, 2004 and as there was no mistake on the part of the Office to correct, the Office erred by sending a "corrected" Notice of Allowance in violation of 37 CFR 1.313.

A review of the application file reveals that a Notice of Allowance (PTOL-85) was mailed to the correspondence address of record on March 26, 2004, that set a three-month, shortened statutory period for payment of the Issue Fee. Applicants properly responded with payment of the Issue Fee and transmittal form (PTOL-85B) on June 25, 2004. On July 22, 2004, a Corrected Notice of Allowance was mailed with an indication of \$0 fee due and setting a three-month shortened statutory deadline to return the Issue Fee Transmittal Form (PTOL-85B).

The Office has reconsidered its previous position to hold the application abandoned for the following reasons: Applicants' payment of the issue fee on June 25, 2004 was timely. There is no discernible reason for the Office to have mailed a Corrected Notice of Allowance to applicants. It is reasonable to conclude that applicants should not have responded to the

Corrected Notice of Allowance mailed July 22, 2004 after timely payment of the issue fee and that the withdrawal of the application from issue is not in accordance with 37 CFR 1.313.

In view of these facts, the petition is **GRANTED**. The application will be forwarded to the Supervisory Legal Instruments Examiner for withdrawal of the abandonment and reinstatement of the application to pending status, and then to the Office of Publications for issuance of the letters patent.

Telephone inquiries relative to this decision should be directed to Special Programs Examiner Randolph A. Reese at (571) 272-6619.

  
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WC/ffj: 4/27/06